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FINLAND

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I. LAND AND THE PEOPLE

A. General

1. With a total area of 338,145 km^2, Finland is the seventh largest country in Europe. The longest distance from south to north is 1,160 km and the greatest width 540 km. Its total frontier is 3,600 km in length: 2,571 km are land borders, 586 km with Sweden, 716 km with Norway, and 1,269 km with Russia. The coastline is about 1,100 km long.

2. Approximately 70 per cent of the land surface is forest, 15 per cent cultivated land, settlement or roads and 15 per cent lakes and wasteland, such as swamps, arctic fells and sand.

3. The population of Finland in 1992 reached the 5 million mark. The average population density is 16.5 inhabitants/km^2, which varies from 130 in the industrialized south to between 2 and 3 in the sparsely populated regions of the north.

4. Finland may be classified as a post-industrial nation, and in 1991 an estimated 9 per cent of the population derived its livelihood from agriculture, 33 per cent from industry and 58 per cent from services.

5. To the Lutheran National Church of Finland belong 86.2 per cent of the population (4,375,047), to the Greek Orthodox Church in Finland 1 per cent of the population (53,103) and to the Roman Catholic Church of the country only 0.1 per cent of the population (5,300). Persons who are not members of any religious associations count 11.7 per cent (596,324). Some other Lutheran and Orthodox Churches, as well as other religious associations, are active in the country.

6. The two official languages in Finland are Finnish (93.1 per cent of the population; 4,727,290) and Swedish (5.82 per cent; 295,630). The Sami language is spoken by 1,738 persons (0.03 per cent).

B. A short history

7. Three important dates from the whole of Finland's political history are 1809, 1917 and 1995. In 1809, after a period of about 600 years, Finland ceased to be the easternmost part of the Kingdom of Sweden and became an autonomous grand duchy under the Russian Czar. On 6 December 1917, Parliament proclaimed Finland an independent republic. Both Swedish and Russian domination left their mark on the relations between Finland's highest organs of Government. Finland became a member of the European Union in 1995.

8. Finland is a parliamentary democracy based on competition between political parties, power being divided among the highest organs of Government.

II. CONSTITUTIONAL BASIS AND GENERAL POLITICAL STRUCTURE

A. General

9. The Finnish Constitution crystallizes the main principles of government in very plain terms. Power in Finland is vested in the people, who are represented by deputies assembled in Parliament. Legislative power is exercised by Parliament together with the President of the Republic. The supreme executive power is vested in the President. For the supreme government of the State there is also a Council of State consisting of a Prime Minister and a requisite number of ministers. Judicial power is vested in independent courts of law, at the highest level in the Supreme Court and the Supreme Administrative Court.

10. The Constitution of Finland is based upon certain fundamental laws and to some extent upon customary law. The principal fundamental law is the Constitution Act, of 17 July 1919. This Act determines the basic democratic principles upon which the State of Finland is organized, the fundamental rights and freedoms of the citizens, and the competence and mutual relations of the principal organs of the State. The composition and the function of the representative assembly, Parliament, are laid down in the Parliament Act of 13 January 1928, as subsequently amended. In addition, there are two Acts of 25 November 1922, which have the status of fundamental law. One concerns the right of Parliament to review the legality of official actions taken by cabinet ministers and by the Chancellor of Justice, and the other the composition and competence of the High Court of Impeachment.

11. Furthermore, the Province of Åland, the Åland islands, enjoys an internationally guaranteed autonomy granted in 1921. The autonomy is specified in fundamental laws, the Autonomy Acts, the latest of which was enacted in 1991 and entered into force at the beginning of 1993.

12. For the purpose of local administration, Finland is divided into provinces and these again into urban and rural municipalities, each having its own government. Each municipality has a representative council, the members of which are elected by the people of the respective municipality by general suffrage.

B. The national languages

13. According to the Constitution of Finland (1919) the national languages of the Republic are Finnish and Swedish. However, Swedish is spoken only by a minority of 5.8 per cent of the population. Bilingualism and the special position of Swedish are based on the fact that Finland, until 1809, was an integral part of the Kingdom of Sweden. For the most part the Swedish-speaking population is concentrated along the southern and western coasts.

14. The rights of Finnish citizens to use their mother tongue, whether Finnish or Swedish, before courts and administrative authorities are guaranteed by the Constitution and the special Language Act (1922). These rights of the Finnish-speaking and the Swedish-speaking populations must be put into effect in accordance with the principle of equality. The cultural and economic needs of both of these language groups shall be met by the State in accordance with the same principle.

15. Laws and decrees, government bills to Parliament, as well as the official communications of Parliament to the Government, shall be drawn up in Finnish and Swedish.

16. According to the Language Act, a municipality is unilingual if the minority which speaks the other national language does not attain 8 per cent (or 3,000 persons). If the minority exceeds that, the municipality is bilingual. A bilingual municipality shall, however, not be declared unilingual before the minority has dropped below 6 per cent.

17. In accordance with the Constitution, Government maintains educational establishments of many kinds, from primary and secondary schools to various forms of professional and adult education, in both of the national languages. Some universities are to some degree bilingual. One of them, Åbo Akademi (in Turku), has Swedish as its language of instruction.

18. The Swedish newspapers, as well as radio and television programmes, have a long tradition in Finland.

19. The autonomy legislation of the Province of Åland, the Åland islands, contains some provisions which guarantee the dominance of Swedish in Åland. There are about 23,000 Swedish-speaking people in Åland representing 95 per cent of the population of the Province.

20. The Sami language is spoken by the Samis or the Lapps, considered as an indigenous people in Finland. There are approximately 6,400 Samis in the country and this represents 0.1 per cent of the total population. This is the number of Samis according to the estimate made by the Sami Parliament. The Statistical Yearbook of Finland gives the figure 1,738 for the Samis at end-year 1993. The counting methods of the two differ. Most of the Samis live in Lapland in the north of Finland.

21. There are three different Sami dialects in Finland. Most of the Samis speak Northern Sami. The other two dialects spoken in Finland are Inari Sami and Skolt Sami.

22. For preserving Sami culture and safeguarding their linguistic rights, the Sami Delegation (Sami Parliament) has drawn up a bill (1987) for the utilization of the Sami language before authorities. In 1990 the bill was passed by Parliament and the Act came into force at the beginning of 1992.

According to the amended Constitutional Act (969/1995) the Sami as an indigenous people and Romany people and other minorities have the right to maintain and develop their own language and culture.

III. STATISTICAL INFORMATION

23. The following statistical information is presented according to the consolidated guidelines for the initial part of the reports of States parties. Annexed to this report is the Statistical Yearbook of Finland 1994*. The references to the pages of the Yearbook in the text of this report are to be found in parentheses after each passage. For more detailed information, see the referred pages of the Yearbook.

Economic data

National income				
(Per capita income)	72 337	Fmk	(1993)	(p. 275)
	22 980	US$	(1992)	(p. 600)
Gross domestic product	478 656 000 000	Fmk	(1993)	(p. 270)
	116 309 000 000	US$	(1992)	(p. 602)
Inflation	1.1% (1994)			
Net foreign debt (External debt)	265 117 000 000	Fmk	(1993)	(p. 222)
Rate of unemployment	444 000 (1993)	17.9%		(p. 607)

Religion

Population by religious affiliation and sex at end-year 1993

Lutheran National Church 1993

Total	4 375 047	86.2%
Males	2 066 747	83.7%
Females	2 308 300	88.5%

Greek Orthodox Church in Finland 1993

Total	53 103	1.0%
Males	24 250	1.0%
Females	28 853	1.1%

* Available for consultation in the files of the Centre for Human Rights.

Roman Catholic Church in Finland 1993

Total	5 300	0.1%
Males	2 572	0.1%
Females	2 728	0.1%

Persons not members of any religious associations 1993

Total	596 324	11.7%
Males	355 498	
Females	240 826	

Other religious associations are: other Lutheran Churches, other Orthodox Churches, Jehovah's Witnesses, Free Church in Finland, Adventist Churches, Church of Jesus Christ of Latter-day Saints, Baptist congregations, Methodist Churches, Jewish congregations, Islamic congregations.

(See for more detailed information p. 93 of the Yearbook.)

Population

Population by language at end-year 1993 (p. 84)

Finnish	4 727 290	93.1%
Swedish	295 630	5.82%
Lappish	1 738	0.03%
Other	53 254	1.05%

Population by sex at end-year 1993 (p. 82)

Men	2 470 200
Women	2 607 700

Life expectancy 1992 (pp. 111 and 112)

Infant mortality (1992) (p. 105)

Confinements total	66 089	
Births	67 019	
Stillbirths	288	4.3%

Fertility rates (1992) (p. 108)

General fertility rate: 52.7/1,000 women of childbearing age.

Age-specific fertility rates (p. 108)

Maternal mortality (1993): 2

Percentage of population under 15 and over 65 years of age (1993)

under 15 years of age

Whole population	970 700
Men	495 800
Women	474 900

over 65 years of age

Whole population	706 200
Men	257 300
Women	448 900

(p. 82)

Population in urban municipalities (1993) 3 253 000 64.1%

Men 2 470 200 (p. 49)

Population in rural municipalities 1 824 900 35.9%

Females per 1,000 males in urban municipalities: 1 094
in rural municipalities: 991
in the whole country: 1 056

IV. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

24. In Finland domestic courts and authorities apply international human rights instruments as domestic laws. The supervision of the observance of human rights in the use of public authority is within the competence of the Parliamentary Ombudsman and the Chancellor of Justice (of the Council of State). At the legislative stage it is especially the duty of the Constitutional Law Committee of Parliament to supervise the observance of human rights.

25. An individual who claims that any of his human rights has been violated may appeal to the court in a normal way. If the decision of an authority is considered to be against the human rights provisions, the decision shall be repealed. Also, the extraordinary right of appeal (ylimääräinen muutoksenhaku) can be used.

26. The injured party is entitled to demand payment of damages in the court according to the normal principles of the Act on Compensation for Damages (vahingonkorvauslaki). Also, criminal proceedings can be brought against the civil servant who violated the human rights.

27. According to the Constitution (sect. 93.2), citizens can also make a complaint to the Chancellor of Justice, Parliamentary Ombudsman or to a higher authority.

28. Chapter II of the Constitution Act contains most of the provisions of the fundamental rights of citizens. These provisions have recently been amended by an act of Parliament (969/1995) which entered into force on 1 August 1995.

29. The reform of the legislation on fundamental rights modernizes and specifies the system of fundamental rights of Finland. The fundamental rights now, as a general rule, apply to all persons under the jurisdiction of the Government of Finland, whereas the Constitution formerly only mentioned "the rights of a Finnish citizen".

30. The scope of fundamental rights regulated in the Constitution Act has also been extended to cover economic, social and cultural rights; rights relating to the individual's legal safety; the right to vote and to be elected; the right to participate; and rights concerning the environment.

31. The new fundamental rights safeguarded in chapter II of the Constitution Act are the following: equality of human beings (sect. 5); right to life, personal freedom, integrity and security; prohibition of death sentence, torture and treatment violating human dignity (sect. 6); prohibition of retroactive criminal law and the principle of legality of criminal law (sect. 6 (a)); freedom of movement (sect. 7); protection of privacy, honour and domestic peace; secrecy of postal, telephone and message communication (sect. 8); freedom of religion and conscience (sect. 9); freedom of speech and right to get information on public document (sect. 10); freedom of assembly and demonstration; freedom of association (sect. 10 (a)); right to vote, to be elected and to participate (sect. 11); protection of property (sect. 12); right to education and culture (sect. 13); linguistic rights; right to use one's own native language, whether Finnish or Swedish, before a court of law or an administrative authority; right of Sami, Romany and other groups to their own language and culture; rights of users of sign language (sect. 14); provision on environment; responsibility for nature and environment, guaranteeing of healthy environment (sect. 14 (a)); right to work and protection of the labour force (sect. 15); social rights; right to necessary livelihood and care, guaranteeing of basic livelihood and social and health services, promoting of the health of the population, supporting those who are responsible for the care of the child, promoting of housing (sect. 15 (a)); legal safeguards of administration and application of law (sect. 16).

32. The reform strives for increased direct applicability of fundamental rights before courts and other authorities by writing the provisions on fundamental rights in a more exact way. In addition, the aim is to tighten the conditions of restricting fundamental rights and to clarify the system of supervision of fundamental rights by including basic provisions concerning them in the Constitution.

33. According to section 16.A of the Constitution Act in force, it is possible to prescribe by Act of Parliament such restrictions to the rights of Finnish citizens as are necessary in times of war or rebellion and which are in conformity with the international human rights obligations binding Finland.

34. The relationship between domestic and international law is generally understood as having been resolved according to the dualistic model. The most frequently used method of implementing international treaties in Finland is incorporation either through an Act of Parliament or a decree in blanco. The hierarchical status of the incorporating enactment determines the formal rank of an international agreement. According to the Constitution Act, treaties

with foreign Powers must be approved by the Parliament in so far as they contain provisions which pertain to legislation or if they involve financial obligation.

35. The International Covenant on Civil and Political Rights as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms were approved by the Parliament. Some of the human rights treaties, e.g. the International Covenant on Economic, Social and Cultural Rights, the Convention and Protocol Relating to the Status of Refugees and the International Convention on the Elimination of All Forms of Racial Discrimination, were originally incorporated through a government decree only. But this problem is mitigated by interpreting domestic statutes in order to avoid conflicts between domestic law and human rights instruments.

36. It is possible to refer directly to the provisions of the human rights treaties before court and authorities, in the same way as national laws.

37. The Parliamentary Ombudsman was the first Finnish authority to use systematically international human rights treaties in decision-making. During the last few years Finnish judges have become aware of the existence and applicability of human rights instruments. A growing case-law has been emerging, and now human rights treaties are invoked by courts clearly more often than constitutional provisions. The main emphasis in the human rights treaty application by the Supreme Court has been on the issues related to criminal procedure and article 14 of the ICCPR.

38. The Constitutional Law Committee of Parliament has pointed out that "international contractual obligations must be taken into consideration in the practical legislative work and action of authorities ... . In the view of the Committee, also in legislative work more attention should be paid to the human rights treaties binding Finland".

39. The Parliamentary Ombudsman and the Chancellor of Justice are responsible for overseeing the implementation of human rights. According to the reform of the fundamental rights provisions of the Constitution, the Constitutional Law Committee of Parliament has to observe that government bills are in conformity with the fundamental rights of the Constitution and with the international human rights instruments.

V. INFORMATION AND PUBLICITY

40. The Finnish educational system has increasingly replaced regulations based on legal norms and instructions with directions based on the provision of information. This allows individual schools more freedom to decide on curricula and teaching materials. The national review and approval system for teaching materials has been eliminated. As a result, comprehensive data on the results of teaching about equality in schools are not available. However, the National Board of General Education is currently preparing a national evaluation of the comprehensive school system, including implementation of human rights and equality.

41. The basic criteria for the curricula of comprehensive schools and upper secondary schools were confirmed in January 1994. They state that an important starting point for the establishment of a curriculum is the need to provide a clearly defined set of values and an awareness of those values. For setting the goals of teaching the basic criteria state that the elements of the values essential for our time derive not only from the classic fundamental values but especially from respect for human dignity and for life, as manifested in universal declarations, recommendations and treaties aimed at fostering human rights and the viability of the globe. Equality between human beings, regardless of sex, race, health or affluence, may be chosen as a starting-point, along with the preservation of life on the globe in all its diversity.

42. The National Board of General Education has confirmed a national plan for 1994 and 1995 on equality in education to be used in curricular development and pedagogical practices for local and school levels. The plan requires that the curricula and teaching materials take an approach which actively promotes gender equality.

43. The texts of all human rights treaties ratified by Finland have been published as official publications (treaty series) in both national languages, Finnish and Swedish, as well as in English and French. Some of these have also been included in the collection of laws called "The Law of Finland". Reference is made to relevant human rights treaties under various headings in this collection.

44. In 1994, a collection of a large number of human rights texts, both treaties and other instruments, was published in Finnish by a human rights organization. This volume is now available to facilitate public information through libraries and as a reference book for researchers, activists and the media.

45. The reporting system of some recent human rights treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child has been used as an instrument for information and education for the general public as well as for government and local officials. These reports have been published both in Finnish and in English. Training seminars have been organized using these reports as tools for building a more responsive environment for the active promotion of human rights.